

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
NEW BERN DIVISION**

**IN RE:**

**DAVID M. JARRETT  
JENNIFER L. JARRETT,**

**CHAPTER 13  
CASE NO: 14-01203-5-DMW**

**DEBTORS**

**ADDRESS: 107 JARRETT COURT  
LAGRANGE, NC 28551**

**MOTION TO SURRENDER PROPERTY**

**NOW COME THE DEBTORS** David M. Jarrett and Jennifer L. Jarrett, by and through their attorney, Robert E. Fuller, Jr., pursuant to the provisions of Title 11 USC §554 of the United States Bankruptcy Code, and respectfully request this Court to enter an Order allowing Debtors to surrender their interest in certain property to World Omni Financial Corp, c/o Weltman, Weinberg & Reis ("Creditor") and shows the Court as follows:

1. That on the 3<sup>rd</sup> day of March, 2014, the Debtors filed with this Court a petition for relief pursuant to Title 11 USC § Chapter 13 of the United States Bankruptcy Code, Joseph A. Bledsoe, III has been appointed as trustee in this matter.
2. That the Debtors included World Omni Financial Corp as the lien holder for their 2012 Toyota Prius in their petition as a secured creditor to be paid inside their plan by the Trustee.
3. That the Debtors desire to surrender the property to World Omni Financial Corp, or their successors and assignees.
4. That any deficiency claims be classified as unsecured and discharged as such through the Debtors' Chapter 13 Plan.
5. That the creditor, World Omni Financial Corp be relieved from the automatic stay so they may keep possession of the 2012 Toyota Prius.

**WHEREFORE**, the Debtors respectfully pray:

1. That the Court allow the Debtors to surrender the 2012 Toyota Prius over to World Omni Financial Corp or their successors and assignees.
2. That any deficiency claims be classified as unsecured and discharged as such through the Debtors' Chapter 13 Plan.

3. That the Trustee shall cease all disbursements to, World Omni Financial Corp once the order is entered.

4. That the creditor, World Omni Financial Corp be relieved from the automatic stay so they may keep possession of 2012 Toyota Prius.

5. For such other and further relief as this Court deems just and proper.

This the 14<sup>th</sup> day of July, 2015.

S/Robert E. Fuller, Jr.  
Attorney for the Debtors  
NC State Bar No: 6158  
P.O. Box 1121  
Goldsboro, NC 27533-1121  
Telephone: (919) 735-7496  
Fax No.: (919) 735-5077

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**NOTICE OF MOTION**

**TO: STANDING TRUSTEE, CREDITORS AND ALL OTHER PARTIES IN INTEREST**

NOTICE IS HEREBY GIVEN of the Motion simultaneously herewith by the attorney for the Debtors(s) in the above captioned case; and

FURTHER NOTICE IS HEREBY GIVEN that this MOTION may be allowed provided no response and request for a hearing is made by the Debtor(s), creditor(s), trustee, or other parties in interest, in writing to the Clerk of this Court within fourteen (14) days from the date of this Notice; and,

FURTHER NOTICE IS HEREBY GIVEN that if a response and a request for a hearing is filed by the Debtor(s), creditor(s), trustee, or other parties in interest named herein in writing within the time indicated, a hearing will be conducted on the motion and response thereto at a date, time and place to be later set by this Court and all interest parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the motion and response thereto ex parte without further notice.

This the 14<sup>th</sup> day of July, 2015.

s/Robert E. Fuller, Jr.  
Attorney for the Debtors  
NC State Bar No: 6158  
P.O. Box 1121  
Goldsboro, NC 27533-1121  
Telephone: (919) 735-7496  
Fax No.: (919) 735-5077

**CERTIFICATE OF SERVICE**

I, Robert E. Fuller, Jr., certify that on July 14, 2015, a copy of the foregoing Motion was served electronically upon the following:

Joseph A. Bledsoe, III  
Chapter 13 Trustee

and was served by depositing a copy of the same in an official depository of the United States Postal Service, with first class postage affixed, upon the following:

David M. Jarrett  
Jennifer L. Jarrett  
Debtors  
107 Jarrett Court  
LaGrange, NC 28551

by mailing them at their address, and by serving a copy of the foregoing Motion on the following party in interest by depositing copy hereof in a depository under the exclusive care and custody of the United States Postal Service, postage prepaid, certified, return receipt requested, in an envelope addressed as follows:

World Omni Financial Corp.,  
Weltman, Weinberg & Reis  
Attn: Officer  
323 W. Lakeside Avenue, Ste 200  
Cleveland, OH 44113

I certify under penalty of perjury that the foregoing is true and correct.

This the 14<sup>th</sup> day of July, 2015

S/Robert E. Fuller, Jr.  
Attorney for the Debtors  
NC State Bar No: 6158  
P.O. Box 1121  
Goldsboro, NC 27533-1121  
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